



STATE OF DELAWARE
JUSTICE OF THE PEACE COURT NO. 13
1010 CONCORD AVENUE
CONCORD PROFESSIONAL CENTER
WILMINGTON, DELAWARE 19802

TELEPHONE: (302) 577-2550

PLAINTIFF

Tsaganos Associates
4446 Summit Bridge Road
Middletown, De. 19709

v. CIVIL ACTION: JP13-09-011328

DEFENDANT

Naseer Ali-Bey
Haether Ali-Bey
200 W. 10th Street, Apt 4E
Wilmington, De. 19801

ORDER

Trial de novo was heard September 3, 2009. Defendant/tenant brought this appeal following a ruling below in which Plaintiff/landlord was awarded a monetary judgment of \$2,875.00 plus court costs, along with possession of the rental property known as 200 West 10th Street, Apt, 4E in Wilmington. At the trial below, Defendant asserted a counterclaim for \$14,850.00 that the Judge ruled was without merit.

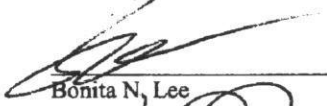
Concerning the case-at-bar, the Defendant made two pre trial motions to dismiss. In support of the first motion to dismiss, Defendant argued that the named Defendants are not proper parties in interest. He averred Naseer Ali-Bey Corporate Trust is the actual party that entered into the lease agreement with the landlord and should be named in this lawsuit. The Court denied this motion after hearing testimony and viewing the actual lease agreement. Although the individuals named on the lease are Jerome Murray and Heather Murray, the testimony was persuasive that the defendant present in Court who now goes by Naseer Ali Bey was the person who signed the lease as Jerome Murray.

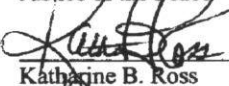
The second motion to dismiss was based on a document titled "HJR 192" that was purported to be a resolution by Congress to assure the uniform value of coins and currencies of the United States. Defendant argued that a landlord cannot demand payment of rent in a certain form from a tenant. The Court found the basis for this motion to be misplaced in the present proceeding for non-payment of rent. The Motion was denied.

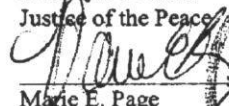
(2)

As to the case-in-chief, Plaintiff established by a preponderance of the evidence the right to a claim for rent and late fees from March 2009 through present, as well as possession of the rental premises. Therefore, final judgment is awarded in favor of the Plaintiff Tsaganos Associates and against Defendants Naseer Ali-Bey and Heather Ali-Bey in the amount of \$3,504.99 plus \$40.00 court costs, possession and \$18.33 per diem. The Defendants raised no valid defense or counterclaim in the case-at-bar.

IT IS SO ORDERED this 9th day of September 2009.


Bonita N. Lee
Justice of the Peace


Katharine B. Ross
Justice of the Peace


Marie E. Page
Justice of the Peace

